

	Portales Police Department	SOP #	212.01
	Standard Operating Procedure & Policy	OPR. #	12.01-12.04
1700 N. Boston St. Portales NM, 88130	Legal Process		
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

## I. STATEMENT OF PURPOSE

This policy is to establish a procedure for serving subpoenas, for receiving, filing and handling expired Domestic Violence Orders of Protection and warrants.

## II. SUBPOENA SERVICE

- A. Upon delivery of subpoenas from the issuing agencies (District Attorney's Office, Magistrate Court, Municipal Court, or any other agency with a lawful subpoena) the Records Clerk will stamp all incoming subpoenas with date and time. They will then place subpoenas in the subpoena logbook. The Records Clerk will also document court dates on the court calendar. The Records clerk should notify officers of the existence of subpoenas via the department email or other means.
- B. It is the officer's responsibility if he or she has a conflict with the court date. It is the officer's responsibility to follow the authorized procedure to work out the conflict.
- C. The Records Clerk will record the following information and be able to answer to the courts whether an officer was notified of their subpoena to court.
  1. These records include the following:
    - a. Date/time received;
    - b. Type of legal process(civil or criminal);
    - c. Nature of the document;
    - d. Issuing source (agency, attorney, type of, nature of, etc.);
    - e. Name of defendant or plaintiff;
    - f. Employee serving subpoena;
    - g. Date of assigned to officer;
    - h. Date service due;
    - i. Court docket number;
    - j. Date served; and
    - k. Date returned to issuing source.

- D. If the subpoena is issued out of a civil court case, the officer should be contacted directly by their representative. At the time they are served a subpoena, they should demand payment for appropriate witness fees. No other employee should accept a civil subpoena for another.
- E. Officers while serving subpoena's will check out on the radio advising the Communications Operator of attempts to or service of a subpoena on the radio log:
  - 1. The date and time;
  - 2. Name of officer;
  - 3. Reason for non-service;
  - 4. Method of service;
  - 5. Address of service/attempt.
  - 6. Name of person for whom service was attempted or served.
- F. The records clerks will deliver a copy of an order protection to the Communications Center.
  - 1. The order of protection will be entered into Capers in the Domestic Violence section.
- G. Expired orders of protection' shall be handled in the following manner:
  - 1. Once expired, the order of protection will be taken out and sent back to District Court.

### III. MAINTAINING A WARRANT AND WANTED PERSONS FILE

- A. Warrants are obtained from the following:
  - 1. Federal Court
  - 2. District Court
  - 3. Magistrate Court
  - 4. Municipal Court
- B. Communications Operator will stamp the warrant with date and time stamp and put their initials on it.
- C. Communications Operator will fill out Warrant Notification/Cancellation form.
- D. Communications Operator will enter the warrant into NCIC
- E. Communications Operator will obtain a Triple I
- F. All warrants which do not fall under the NCIC guidelines will be placed on a local warrant list. If the warrant does not meet NCIC requirements

VRECC sends them back to the issuing courts for all information.

- G. The warrants and the above information will be placed in a file folder and filed alphabetically in Communications Center.
- H. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant a faxed copy will be received from originating jurisdiction.
- I. The notification/cancellation form will be signed by the arresting officer or communications operator. The communications operator will remove the warrant from NCIC.
- J. When the Communications Operations receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.
- K. Officers have 24 hours access to the warrant list, NCIC information.

#### IV. LEGAL PROCESS OF ACQUIRING PROPERTY

- A. All property acquired through the legal process will be delivered to the appropriate agency required by state statute.
- B. All property that does not become department property will be destroyed in accordance with 29-1-14 and 30-31-35 NMSA 1978.
- C. Once the property no longer has a valuable use to the department the property will be destroyed under 29-1-14 or will be placed in surplus and sold at auction.